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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,171	06/27/2001	Darrell A. Poirier	006-110-400	4552

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EXAMINER

NOLAN, DANIEL A

ART UNIT PAPER NUMBER

2654

DATE MAILED: 02/25/2004

*[Handwritten signature]*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/893,171

**Applicant(s)**

POIRIER, DARRELL A.

**Examiner**

Daniel A. Nolan

**Art Unit**

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Issues arising from the language used in the immediate application require that this explanation be provided to distinguish between the separate processes of “voice recognition” and “speech recognition.” Voice recognition identifies individuals by sound, while speech recognition derives meaning from utterances. The USPTO categorizes these separately as class/subclasses 704/246 and 704/251, respectively.

### ***Election/Restrictions***

2. Claims 6-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

- The word “capture” should be removed (from the 1<sup>st</sup> line page 9).
- The term “voice recognition” should be “speech recognition” where the meaning of the words rather than the identity of the speakers is involved (such as on page 9, because the 6<sup>th</sup> line indicates “vocabulary” is used).

- In those cases where it is not apparent which term should be used, "speaker identification" is suggested as being more suitable than either.

Appropriate correction is required.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

"Simultaneous Multi-User Real-Time Speaker Identification".

### ***Claim Objections***

5. Claims 3-6 are objected to because of the following informalities:

- In claims 3-6, the word "and" should be inserted after the word "bay" (3<sup>rd</sup> line) because the listed components are in the Micro-computer, not the empty space that contains its enclosure.
- Claims 4-6 are objected to because the term "voice recognition" should more properly be "speech recognition" considering that speakers' utterances are parsed on word boundaries and transcriptions produced.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Frank, Jr. et al'<sup>499</sup>**

7. Claim 1-3 are rejected under 35 U.S.C. 102(b) as being directly anticipated by Frank, Jr. et al'<sup>499</sup> (U.S. Patent 6,389,499 B1).

8. Regarding claim 1, Frank, Jr. et al'<sup>973</sup>, with the invention for an *integrated computer module*, reads on every feature of the claim for a *Micro-Computer that is enclosed in a 5 ¼" enclosure* with the disclosure of a *Micro-Computer* (column 1 lines 6-10) *that is enclosed in a 5 ¼" enclosure* (110 in figure 2 – see column 4 lines 24-25).

9. Regarding claim 2, the claim is set forth with the same limits as claim 1. The feature that *the Micro-computer is enclosed in a 5 ¼" enclosure* is the same feature found in claim 1 and the citation of prior art is applied.

Frank, Jr. et al'<sup>973</sup> reads on the further feature *that mounts into a standard personal computer 5 ¼" storage peripheral bay* (425 & 420 respectively in figure 21 – see column 4 lines 20-22).

10. Regarding claim 3 as understood by the Examiner, the claim is set forth with the same limits as claim 1. The feature that *the Micro-computer is enclosed in a 5 ¼" enclosure that mounts into a standard personal computer 5 ¼" storage peripheral bay* are the same features found in claims 1 and 2 and the citation of prior art is applied.

Frank, Jr. et al<sup>'973</sup> reads on the further feature *that* (the Micro-computer) *contains a microprocessor* (column 3 line 3), *memory* (column 3 line 4), *disk drive* (column 3 line 3), *universal serial bus* (USB in 750 in figure 14), *display output* (735 in figure 14), and *network connection* (column 5 line 7).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **Frank, Jr. et al<sup>'499</sup> & Chen et al**

12. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (European Patent 952737 A2).

Art Unit: 2654

13. Regarding claim 4 as understood by the Examiner, the claim is set forth with the same limits as claim 1. The feature that *the Micro-computer is enclosed in a 5 ¼" enclosure that mounts into a standard personal computer 5 ¼" storage peripheral bay (and) that contains a microprocessor, memory, disk drive, universal serial bus, display output and network connection* are the same features found in claims 1-3 and the prior art cited there is applied.

Frank, Jr. et al<sup>973</sup> reads on the further feature of *an operating system* (column 3 lines 3-8) but does not speak to *voice recognition software*.

Chen et al, with the invention for *identifying and selecting portions of information streams for television*, reads on the feature of *voice recognition software* (with "speech recognition software" in the 10<sup>th</sup> line of section (57) in the 1<sup>st</sup> page). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Chen et al to the device/method of Frank, Jr. et al<sup>973</sup> so as to determine the identity of a particular speaker.

14. Regarding claim 5 as understood by the Examiner, the claim is set forth with the same limits as claim 1. The feature that *the Micro-computer is enclosed in a 5 ¼" enclosure that mounts into a standard personal computer 5 ¼" storage peripheral bay (and) that contains a microprocessor, memory, disk drive, universal serial bus, display output, network connection, an operating system and voice recognition software* are the same features found in claims 1-3 and the prior art cited there is applied.

Frank, Jr. et al<sup>'973</sup> does not mention the further feature of *indexing*. Chen et al reads on the feature of *an indexing software* (to "generate a searchable hit list" in the 3<sup>rd</sup> line from the end of section (57) in the 1<sup>st</sup> page). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Chen et al to the device/method of Frank, Jr. et al<sup>'973</sup> so as to control the selection of information.

15. Regarding claim 6 as understood by the Examiner, the claim is set forth with the same limits as claim 1. The feature that *the Micro-computer is enclosed in a 5 ¼" enclosure that mounts into a standard personal computer 5 ¼" storage peripheral bay (and) that contains a microprocessor, memory, disk drive, universal serial bus, display output, network connection, an operating system, voice recognition software and an indexing software* are the same features found in claims 1-3 and the prior art cited there is applied.

Frank, Jr. et al<sup>'973</sup> does not mention the further feature of *a voice log*. Chen et al reads on the feature *where this system is used for collection of spoken words to create a voice log* (with the disclosure "to generate a searchable hit list" in the 3<sup>rd</sup> line from the end of section (57) in the 1<sup>st</sup> page). It would have been obvious to a person of ordinary skill in the art of speech signal processing at the time of the invention to apply the method/teachings of Chen et al to the device/method of Frank, Jr. et al<sup>'973</sup> to select information.



### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Frank, Jr. et al<sup>604</sup> (U.S. Patent 6,271,604 B1) integrated computer module having a data integrity latch.
- Frank, Jr. et al<sup>779</sup> (U.S. Patent 6,359,779 B1) integrated computer module with airflow accelerator.
- Carbonneau et al (U.S. Patent 5,586,250 A) SCSI-coupled module for monitoring and controlling SCSI-coupled raid bank and bank environment.
- Chen (U.S. Patent 5,644,707 A) computer mainframe signal monitoring system.
- Frank, Jr. et al<sup>973</sup> (U.S. Patent 6,049,973 A) assembling an integrated computer module.
- Ortega et al (U.S. Patent 6,332,122 B1) transcription system for multiple speakers, using and establishing identification.

16. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Daniel A. Nolan at telephone (703) 305-1368 whose normal business hours are Mon, Tue, Thu & Fri, from 7 AM to 5 PM.

If attempts to contact the examiner by telephone are unsuccessful, supervisor Richemond Dorvil can be reached at (703)305-9645.

• Application/Control Number: 09/893,171  
Art Unit: 2654

Page 9

The fax phone number for Technology Center 2600 is (703)872-9314. Label informal and draft communications as "DRAFT" or "PROPOSED", & designate formal communications as "EXPEDITED PROCEDURE". Formal response to this action may be faxed according to the above instructions,

or mailed to:

P.O. Box 1450  
Alexandria, VA 22313-1450

or hand-deliver to: Crystal Park 2,  
2121 Crystal Drive, Arlington, VA,  
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office at telephone number (703) 306-0377.

Daniel A. Nolan  
Examiner  
Art Unit 2654

DAN/d  
February 20, 2004

A handwritten signature in black ink, appearing to read 'Daniel A. Nolan', with a large, stylized initial 'D' and 'N'.

**DANIEL NOLAN  
PATENT EXAMINER**